

### Amendments to the Claims

Claim 1 (Previously amended): Hybrid maize seed designated 34G13, representative seed of said hybrid 34G13 having been deposited under ATCC accession number PTA-4273.

Claim 2 (Original): A maize plant, or its parts, produced by the seed of claim 1.

Claim 3 (Original): Pollen of the plant of claim 2.

Claim 4 (Original): An ovule of the plant of claim 2.

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Claim 5 (Previously amended): A tissue culture of regenerable cells or protoplasts of a hybrid maize plant 34G13, representative seed of said hybrid maize plant 34G13 having been deposited under ATCC accession number PTA-4273.

Claim 6 (Previously amended): The tissue culture according to claim 5, wherein the cells or protoplasts are derived from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

Claim 7 (Previously amended): A maize plant, or its parts, regenerated from the tissue culture of claim 5 and expressing all the morphological and physiological characteristics of hybrid maize plant 34G13, representative seed having been deposited under ATCC accession number PTA-4273.

Claims 8-19 (Previously canceled)

Claim 20 (Original): A maize plant, or its parts, having all the morphological and physiological characteristics of the plant of claim 2.

Claims 21-32 (Previously canceled)

Claim 33 (Previously amended): A method of making a hybrid maize plant designated 34G13 comprising:

crossing an inbred maize plant GE486259, deposited as PTA-4276 with a second inbred maize plant GE515721, deposited as PTA-1306; and  
developing from the cross said hybrid maize plant representative seed of which having been deposited under ATCC Accession Number PTA-4273.

Claims 34-40 (Previously canceled)

Claim 41 (New): A method of making an F1 hybrid maize plant comprising:

1) introgressing a mutant gene or a transgene that encodes a product that confers insect resistance into at least one of inbred maize parent plants GE486259 and GE515721, representative samples of which have been deposited as PTA-4276 and PTA-1306 respectively, and

2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

Claim 42 (New): The maize plant produced by the method of claim 41 wherein said mutant gene or transgene is an insect resistance gene encoding a *Bacillus thuringiensis* polypeptide.

Claim 43 (New): The maize plant produced by the method of claim 41.

Claim 44 (New): A method of making an F1 hybrid maize plant comprising:

1) introgressing a mutant gene or a transgene that encodes a product that confers herbicide resistance into at least one of inbred maize parent plants GE486259 and GE515721, representative samples of which have been deposited as PTA-4276 and PTA-1306 respectively, and

2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

Claim 45 (New): The maize plant produced by the method of claim 44 wherein said mutant gene or transgene is an herbicide resistance transgene selected from the group consisting of: a transgene conferring glyphosate resistance, a transgene conferring glufosinate resistance, a mutant gene or transgene conferring imidazolinone resistance and a mutant gene or transgene conferring sulfonylurea resistance.

Claim 46 (New): The maize plant produced by the method of claim 44.

Claim 47 (New): A method of making an F1 hybrid maize plant comprising:

1) introgressing a mutant gene or a transgene that encodes a product that confers disease resistance into at least one of inbred maize parent plants GE486259 and GE515721, representative samples of which have been deposited as PTA-4276 and PTA-1306 respectively, and

2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

Claim 48 (New): The maize plant produced by the method of claim 47.

Claim 49 (New): A method of making an F1 hybrid maize plant comprising:

1) introgressing a gene that confers male sterility into at least one of inbred maize parent plants GE486259 and GE515721, representative samples of which have been deposited as PTA-4276 and PTA-1306 respectively, and

2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

Claim 50 (New): The method of claim 49 wherein said F1 hybrid maize plant further comprises said gene that confers cytoplasmic male sterility.

Claim 51 (New): The maize plant produced by the method of claim 49.

Claim 52 (New): A method of making an F1 hybrid maize plant comprising:

- 1) introgressing a gene that encodes a product that confers imidazolinone resistance into at least one of inbred maize parent plants GE486259 and GE515721, representative samples of which have been deposited as PTA-4276 and PTA-1306 respectively, and
- 2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

Claim 53 (New): The maize plant produced by the method of claim 52.

Claim 54 (New): A method of making an F1 hybrid maize plant comprising:

- 1) introgressing a mutant gene or a transgene that encodes a product that modifies fatty acid metabolism, that decreases phytate content, or that modifies starch metabolism into at least one of inbred maize parent plants GE486259 and GE515721, representative samples of which have been deposited as PTA-4276 and PTA-1306 respectively, and
- 2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

Claim 55 (New): The maize plant produced by the method of claim 54.

Claim 56 (New): The maize plant produced by the method of claim 41 wherein said maize plant exhibits no statistically significant variation from 34G13, other than variation caused by the addition of said mutant gene or transgene, and wherein significance is determined at a 5% significance level when grown in the same environmental conditions as 34G13.

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